

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

<b>DAVID HOLZMAN,</b>	) CIVIL NO. CV04 00009 SOM-KSC
	)
Plaintiff,	)
	)
vs.	) AFFIDAVIT OF KELLY BRYANT
	) BERGANIO
<b>COMMERCIAL FORCED AIR, INC.,)</b>	
<b>JOHN DOES 1-10, JANE DOES 1-10,)</b>	
<b>DOE PARTNERSHIPS 1-10, DOE)</b>	
<b>CORPORATIONS 1-10, DOE)</b>	
<b>ENTITIES 1-10 and DOE)</b>	
<b>GOVERNMENTAL UNITS 1-10,</b>	)
	)
Defendants.	)
	)
	)

AFFIDAVIT OF KELLY BRYANT BERGANIO

STATE OF HAWAII	)
	) SS.
CITY AND COUNTY OF HONOLULU	)

KELLY BRYANT BERGANIO, being first duly sworn, on oath deposes and says:

1. That she is the affiant herein;
2. That she is a resident of the City and County of Honolulu, State of Hawaii;
3. That attached hereto and marked as Exhibit "C" is a true and correct copy of the letter dated February 24, 2006 ("DPR Letter") from Dispute Prevention

& Resolution, Inc. ("DPR") to Mr. Serdar Senaydin, President of Commercial Forced Air, Inc. ("CFA") enclosing a copy of the Court's September 29, 2005 Order Compelling Arbitration and DPR Agreement to Participate in Arbitration (the "Agreement to Participate") and requesting that CFA sign and return the Agreement to Participate to DPR and remit \$4,400.00 (the "CFA Deposit") to DPR as CFA's initial arbitration deposit no later than March 17, 2006.

4. That the DPR Letter was sent to CFA by certified mail, return receipt requested, and by facsimile.
5. That attached hereto and marked as Exhibit "D" is a true and correct copy of the return receipt for the DPR Letter confirming CFA's receipt of the DPR Letter;
6. That CFA did not sign and return the Agreement to Participate to DPR on or before March 17, 2006;
7. That, to date, CFA has not signed and returned the Agreement to Participate to DPR;
8. That CFA did not remit the CFA Deposit to DPR on or before March 17, 2006;
9. That, to date, CFA has not remitted the CFA Deposit to DPR;
10. That she has read the affidavit and knows the contents thereof;

11. That the said affidavit is true to the best of her knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.

Kelly Bryant Berganio  
KELLY BRYANT BERGANIO

Subscribed to and sworn before me  
this 5<sup>th</sup> day of May, 2006.

Evelyn K Johnson  
Evelyn K Johnson  
Notary Public, State of Hawaii

My commission expires: 8/22/2007

